

Andrew Cowan
Willow Tree Planning
acowan@willowtp.com.au
Suite 4, Level 7
100 Walker Street
North Sydney NSW 2060



30 November 2018

Re: BDAR Waiver for the proposed Warehouse and Distribution Facility at Mamre Road, Orchard Hills

Dear Andrew,

This letter has been prepared regarding the above proposed development at Mamre Road, Orchard Hills.

As required under the *Biodiversity Conservation Act 2016* (BC Act) a BDAR waiver for the biodiversity development assessment report is formally requested if the Planning Assessment Head and the Environment Assessment Head determine that the proposal is not likely to have a significant impact on biodiversity values.

Please find attached an assessment of the impact on biodiversity values as defined under the BC Act and Biodiversity Conservation Regulation 2017. The result of the assessment is that the proposal is unlikely to have a significant impact on biodiversity values.

If you require any further information, please contact me on the details provided below.

Sincerely,

Lucas McKinnon

Director | Principal Ecologist – Accredited Biobanking Assessor
BEnvSc(Hons), GCert. Ornithology, Biobanking Acc. (#76)
M: 0421 603 549 | E: lucas.mckinnon@ecoplanning.com.au

1 Background

The site of the proposed development has been previously assessed under a development application for a State Significant Development (SSD) for rezoning and a proposed industrial development. The Secretary's Environmental Assessment Requirements (SEARS) was issued by the Department of Planning and Environment (DPE) and a Biodiversity Assessment Report (BAR) was prepared in 2016, according to the *Environmental Planning and Assessment Act 1979* (EP&A Act) (Ecoplanning 2016) which satisfied the requirements of the SEARs.

The current proposed development is also an SSD and is located within the same site that was assessed by this BAR (Ecoplanning 2016).

Biodiversity assessment required for an SSD is described in Section 7.9 of the *Biodiversity Conservation Act 2016* (BC Act). Clause 2 of section 7.9 indicates that an application for development consent for an SSD:

- *is to be accompanied by a biodiversity development assessment report unless the Planning Agency Head and the Environment Agency Head determine that the proposed development is not likely to have any significant impact on biodiversity values.*

This letter has been prepared to provide information for the Planning Agency Head and the Environment Agency Head. This letter formally requests a BDAR waiver and provides information to assist in determining whether the current proposed development is likely to have any significant impacts on biodiversity values.

Biodiversity values are identified in Section 1.5 of the Biodiversity Conservation Act 2016 (BC Act) and Section 1.4 of the Biodiversity Conservation Regulation 2017.

2 Proposed development

The proposed development consists of warehouse and distribution facility at Mamre Road, Orchard Hills. The location of the proposed development is shown in **Figure 1**. It has already been cleared in accordance with SSD 7173.

3 Biodiversity assessment

This section determines if there is likely to be a significant impact on the biodiversity values as described in the BC Act and BC Reg. The following biodiversity and biodiversity values are defined under Section 1.5 of the BC Act:

- **Vegetation integrity** - being the degree to which the composition, structure and function of vegetation at a particular site and the surrounding landscape has been altered from a near natural state, and
- **Habitat suitability** - being the degree to which the habitat needs of threatened species are present at a particular site.

The BC Act also indicates that additional biodiversity values, or biodiversity-related values are noted in the regulations. Clause 1.4 of the Biodiversity Conservation Regulation 2017 (BC Reg) identifies the following additional biodiversity values:

- **Threatened species abundance** - being the occurrence and abundance of threatened species or threatened ecological communities, or their habitat, at a particular site,
- **Vegetation abundance** - being the occurrence and abundance of vegetation at a particular site,
- **Habitat connectivity** - being the degree to which a particular site connects different areas of habitat of threatened species to facilitate the movement of those species across their range,
- **Threatened species movement** - being the degree to which a particular site contributes to the movement of threatened species to maintain their lifecycle,
- **Flight path integrity** - being the degree to which the flight paths of protected animals over a particular site are free from interference, and
- **Water sustainability** - being the degree to which water quality, water bodies and hydrological processes sustain threatened species and threatened ecological communities at a particular site.

In addition, Section 1.6 of the Biodiversity Conservation Regulation lists the following additional biodiversity impacts:

- the impacts of development on the following habitat of threatened species or ecological communities:
 - karst, caves, crevices, cliffs and other geological features of significance,
 - rocks,
 - human made structures,
 - non-native vegetation,
- the impacts of development on the connectivity of different areas of habitat of threatened species that facilitates the movement of those species across their range,
- the impacts of development on movement of threatened species that maintains their lifecycle,
- (the impacts of development on water quality, water bodies and hydrological processes that sustain threatened species and threatened ecological communities (including from subsidence or upsidence resulting from underground mining or other development),
- the impacts of wind turbine strikes on protected animals,
- the impacts of vehicle strikes on threatened species of animals or on animals that are part of a threatened ecological community.

3.1 Section 1.5 of the BC Act

Vegetation Integrity

The natural vegetation on the subject site has been previously removed as a result of clearing. No native vegetation occurs on the site (**Figure 1**). Therefore, the vegetation integrity of the site is zero, as the vegetation has been completely altered.

The vegetation in the surrounding landscape has been historically cleared for agriculture and urban and industrial development (see Figure 2.1 in Ecoplanning, 2016). Some scattered remnants of Shale Plains Woodland and Alluvial Woodland (NPWS 2002).

Therefore, the proposal would not have a significant impact on vegetation integrity as there is no vegetation on the subject site or its immediate surroundings and there the extent of native vegetation in the surrounding landscape is very low.

Habitat Suitability

The habitat on the site was unsuitable for the threatened species that have been recorded within a 5 km radius of the site (Ecoplanning 2016). Since it has been cleared, it remains unsuitable for threatened species.

The impact of development of the site, which has a very low level of habitat suitability for threatened species is not likely to be significant.

3.2 Section 1.4 of the BC Regulation 2017

Threatened Species Abundance

No threatened species, populations or communities occur on the subject site as it has been cleared. The site is not likely to provide important habitat for any threatened species that have been recorded in the locality (Ecoplanning 2016)

Therefore, the proposal would be unlikely to affect the abundance of any threatened species, populations or communities on the subject site.

Vegetation Abundance

There is no vegetation on the site which is in a natural or near-natural state, as the degraded vegetation that was present on the site has already been cleared. No PCT occurs on the subject site. The impact of the proposal on vegetation abundance is negligible as no PCTs would be affected.

Habitat connectivity

The site consists of a cleared land within a cleared and developed landscape (Ecoplanning 2016) and is also surrounded by cleared and developed environments. No threatened species recorded in the locality are likely to use the site and the proposal is not likely to restrict the movement of any threatened species in the locality as the site is already cleared.

Threatened Species Movement

The site provides no habitat for threatened species recorded in the locality as it has already been cleared. The proposal would therefore have no impact on the ability of threatened species to move throughout the locality.

Flight Path Integrity

The site is not significant for the flight paths of species that have been recorded in the locality as it already occurs in a highly fragmented landscape and most flying species are likely to utilise South Creek that occurs to the west of the site.

Therefore, the proposal would not be likely to significantly impact on the ability of flying species to move throughout their range within the locality.

Water Sustainability

There are no water bodies or hydrological processes on the site that are important for threatened species.

3.3 Section 6.1 of the BC Regulation 2017

Specific habitats for threatened species or ecological communities

The site has been cleared and none of the following habitats for threatened species or ecological communities currently occur on the site:

- karst, caves, crevices, cliffs and other geological features of significance,
- rocks,
- human made structures,
- non-native vegetation.

Connectivity

As noted above, the site is already cleared and is not important for threatened species that have been recorded in the locality (Ecoplaning 2016).

Movement of threatened species

The site is not important for the movement of threatened species that have been recorded in the locality as it contains no vegetation and is located in a developed area. Therefore, the proposal is not likely to impact on the life-cycle processes of threatened species that already occur in the locality.

Water quality

The proposal would not have any impact on water quality, water bodies or hydrological processes that sustain threatened species and threatened ecological communities as it would be an above-ground construction in an area that is already cleared.

Wind turbine strikes

The proposal does not involve wind turbines and therefore there will be no impact from wind turbine strikes.

Vehicle strikes

The proposal is located in an area that is already cleared. It is unlikely that vehicle movements on the site associated with the warehouse would impact on threatened species or any animals that are part of threatened communities as the site does not provide habitat for such species.

4 Conclusion

A BDAR waiver is formally requested based upon the reasons presented in this report. Assessment of the BC Act and Biodiversity Conservation Regulation 2017 indicate the proposal is unlikely to have a significant impact on biodiversity values. The site has been previously assessed under a development application for an SSD and has already been cleared in accordance with SSD 7173. The natural vegetation on the subject site has been

previously removed as a result of clearing and no further biodiversity impacts are considered likely.

5 References

Ecoplanning (2016) *Draft Biodiversity Assessment Report – Lot 2171 // DP 1153854, Mamre Rd, Orchard Hills v1.0*. Prepared for ALTIS Property Partners Pty Ltd.

NSW National Parks and Wildlife Service (NPWS) (2002). *Native Vegetation Maps of the Cumberland Plain, Western Sydney*. NSW NPWS, Hurstville.



Figure 1: Location of the proposed development.